IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
CRIMINAL APPLICATION NO.3730 OF 2004
IN
CRIMINAL APPEAL NO. 1268 OF 2002

Chandrakant Fakkad Bhise Applicant

Vs.

The State of Maharashtra Respondent

Mr.Dilip Bodake for applicant.
Mr.B.R.Patil, I/c. PP for State.

CORAM: S.S.PARKAR & SMT.V.K.TAHILRAMANI,JJ.

December 09, 2004.

P.C.

1. This is the second application preferred on behalf of the applicant-accused for bail. The earlier application was rejected by our order dated 5th January 2004. No doubt that time the Advocate appointed on behalf of the accused was absent nor the Advocates who had filed the appeal were present on behalf of the applicant. However, we had rejected the said application after considering the matter on merits.

2. In spite of the previous order we heard Mr.Bodake today at length as on the earlier occasion the accused was not represented by the Advocate. There are three dying declarations, one recorded by the SEM, another by the Police Officer which was treated as an FIR and

thirdly the history recorded by the Doctor on her admission in the hospital. Besides that there was also evidence of the father of the deceased to whom oral dying declaration was made by the deceased in which she had referred to her earlier dying declarations recorded by the SEM and the Police Officer. There is no conflict between the aforesaid dying declarations. The trial Court has observed that they are all consistent. The earlier two dying declarations were recorded soon after the admission of the deceased in the hospital for medical treatment. She has also mentioned the motive for commission of the said offence by her husband stating that he was suspecting her alleged clandestine illicit relationship with others.

3. In the circumstances, this application cannot be granted and, therefore, the same is rejected.

(S.S.PARKAR,J.)

(SMT.V.K.TAHILRAMANI,J.)